

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

TONY FOUNTAIN, #152 157,

Plaintiff,

V.

DR. PEASANT et al.,

Civil Action No. 2:06-cv-548-MHT

AFFIDAVIT OF JOHN M. PEASANT, M.D.

STATE OF ALABAMA

COUNTY OF ELMORE

1. "My name is John M. Peasant, M.D. I am of the age of majority, competent to give this declaration, and have knowledge of the facts set forth herein.

2. I am a licensed physician with the Alabama Board of Medical Examiners. I am currently employed by Prison Health Services as a physician at the Ventress Correctional Facility in Clayton, Alabama.

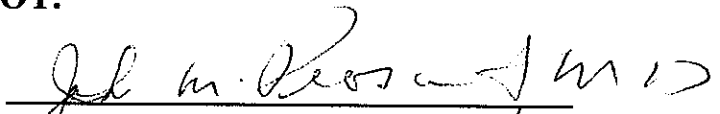
3. I am familiar with the standard of care, skill, and diligence exercised by other similarly-situated health care providers in performing medical services under similar circumstances.

4. I recall treating Mr. Fountain while he was imprisoned in Staton Correctional Facility in Elmore, Alabama.

5. In my opinion as a physician, my treatment of Mr. Fountain was reasonable and appropriate for the conditions complained of, and it met the standard of care for services of a similar healthcare provider in similar circumstances.

6. Regarding his eye condition, Mr. Fountain did not meet the protocol for further treatment. According to his medical records, his visual acuity was measured as 20/25 in each eye. Protocol dictates that only when an inmate's vision is 20/40 or worse, or with some other remarkable condition, is further treatment prescribed."

FURTHER AFFIANT SAITH NOT.


John M. Peasant, M.D.

PERSONALLY APPEARED before me, a Notary Public in and for said county and state, John M. Peasant, M.D., who after being first duly sworn, that he has read and understands the Affidavit herein and that same are true and correct to the best of his knowledge, information, and belief.

SWORN TO and subscribed before me on this the 31st day of October, 2006.


NOTARY PUBLIC
My Commission Expires: 9-8-08